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REMARKS

Claims 1 and 3-20 are pending and rejected in this application. Claim 18 is amended hereby.

Responsive to the Examiner's rejection of claims 1, 3-5, 8-13 and 16-20 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 2,652,654 (Bahn) in view of U.S. Patent No. 2,484,727 (Patterson), Applicants respectfully traverse the rejection of claims 1, 3-5, 8-13, 16 and 17, and have amended claim 18, and submit that claims 1, 3-5, 8-13 and 16-20 are in condition for allowance.

Bahn discloses a fishing rod tip (Figs. 1-5) that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. The invention is positioned on an end of fishing rod 1 that is remote from a reel and reel seat (not shown). Mounting member 6 has a lower ring 7 and an upper ring 8 for fixed installation to hollow socket member 2 and for axially rotatable mounting of tubular line guide 9. Annual ribs or flanges 10 hold line guide 9 in its desired longitudinal position in mountings 4 and 8. Annual ribs or flanges 10 may be soldered or sweated in place on tube 9 (column 2, lines 15-51).

Patterson discloses a fishing rod tip 5 (Figs. 1-3) including a lateral flexible tube 6 through which the fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. The supporting device includes a pair of rigid metallic sleeves permanently secured together side by side so that the sleeves are fixed together in a parallel relation (column 2, lines 17-35). Tube 6 is made of a coiled wire having an end portion dipped into solder thereby producing a collar 10. The other end of tube 6 is similarly dipped into solder forming solder coating 11 (column 3, lines 4-20).

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In contrast, claim 1, recites in part:

a fish pole having a plurality of fishing line guides ...

a fishing line containment apparatus installed through at least two of said plurality of fishing line guides (including:)

two captivating devices, one said two captivating devices detachably connected to an end of said elongated tube, and other of said two captivating devices detachably connected to another end of said elongated tube.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Patterson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annular ribs or flanges that are soldered or sweated into place on tube 9. Patterson discloses a fishing rod tip including a lateral flexible tube 6 through which fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. Both Bahn and Patterson disclose rigid tubes attached to a portion of a fishing rod with Patterson having a flexible tube that extends beyond the rigid tube. In contrast, Applicants' invention has an elongated tube disposed between at least two of the plurality of fishing line guides on a fishing pole. Further, the elongated tube is more flexible than the fishing pole itself. Only Patterson shows a flexible tube that is more flexible than a fishing rod; however, the flexible tube of Patterson extends from a rigid tube and not between two fishing line guides on the fishing pole. The Examiner has argued that Patterson has captivating devices 10 and 11 that are inherently removable; however, since devices 10 and 11 are described as being solder, the removal of the solder would be by a presumably destructive process. Assuming that the Examiner meant that a heating process would be used to remove devices 10 and 11, the solder would become drops of solder and would not be a device any longer, causing the supposed devices to

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lose their characteristic as captivating devices. In contrast, Applicants' invention has two captivating devices that are detachable and connected to an end of the elongated tube. As such, the captivating devices retain their nature and do not require a heating process to remove the devices thereby altering them to another form. Therefore, Bahn, Patterson or any of the other cited references, alone or in combination, fail to disclose, teach or suggest a fish pole having a plurality of line guides, a fishing line containment apparatus installed through at least two of the plurality of fishing line guides, the fishing line containment apparatus including two captivating devices one of the two captivating devices detachably connect to one end of the elongated tube and the other of the two captivating devices detachably connected to another end of the elongated tube, as recited in claim 1.

An advantage of Applicants' invention is that the captivating devices are removably attached and can be reutilized to install the fishing line containment system on different fishing rods. Additionally, the higher flexibility of the elongated tube that extends between at least two of the fishing line guides on a conventional fishing pole is more flexible than the flexibility of the fishing pole itself, thereby having relatively little effect on the flexibility of the overall fishing rod and containment apparatus combination. For the foregoing reasons, Applicants submit that claim 1, and claims 3-5, 8 and 9 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 10, recites in part:

a fishing pole with line guides ...

an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, said elongated tube having a first end and a second end ...

two captivating devices, including a first captivation device removably connectable to said first end and a second captivating device removably connectable to said second end.

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(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Patterson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annular ribs or flanges that are soldered or sweated into place on tube 9. Patterson discloses a fishing rod tip including a lateral flexible tube 6 through which fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. Both Bahn and Patterson disclose rigid tubes attached to a portion of a fishing rod with Patterson having a flexible tube that extends beyond the rigid tube. In contrast, Applicants' invention has an elongated tube disposed between at least two of the plurality of fishing line guides on a fishing pole. Further, the elongated tube is more flexible than the fishing pole itself. Only Patterson shows a flexible tube that is more flexible than a fishing rod; however, the flexible tube of Patterson extends from a rigid tube and not between two fishing line guides on the fishing pole. The Examiner has argued that Patterson has captivating devices 10 and 11 that are inherently removable; however, since devices 10 and 11 are described as being solder, the removal of the solder would be by a presumably destructive process. Assuming that the Examiner meant that a heating process would be used to remove devices 10 and 11, the solder would become drops of solder and would not be a device any longer, causing the supposed devices to lose their characteristic as captivating devices. In contrast, Applicants' invention has two captivating devices that are detachable and connected to an end of the elongated tube. As such, the captivating devices retain their nature and do not require a heating process to remove the devices thereby altering them to another form. Therefore, Bahn, Patterson or any of the other cited references, alone or in combination, fail to disclose, teach or suggest a fishing pole with line

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guides, an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, the elongated tube having a first end and a second end, and two captivating devices, including a first captivating device removably connectable to the first end and a second captivating device removably connectable to the second end., as recited in claim 10.

An advantage of Applicants' invention is that the captivating devices are removably attached and can be reutilized to install the fishing line containment system on different fishing rods. Additionally, the higher flexibility of the elongated tube that extends between at least two of the fishing line guides on a conventional fishing pole is more flexible than the flexibility of the fishing pole itself, thereby having relatively little effect on the flexibility of the overall fishing rod and containment apparatus combination. For the foregoing reasons, Applicants submit that claim 10, and claims 11-13, 16 and 17 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 18, recites in part:

removably installing two captivating devices, one said captivating device at each of two ends of said flexible tubing.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn, Patterson or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip with annular ribs or flanges that are soldered or sweated into place on tube 9. Patterson discloses a fishing rod tip including a lateral flexible tube 6 through which fishing line extends and which is mounted in a rigid manner supported on the end of the fishing rod. Both Bahn and Patterson disclose rigid tubes attached to a portion of a fishing rod with Patterson having a flexible tube that extends beyond the rigid tube. In contrast, Applicants' invention has an elongated tube disposed between at least two of the plurality of

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fishing line guides on a fishing pole. Further, the elongated tube is more flexible than the fishing pole itself. Only Patterson shows a flexible tube that is more flexible than a fishing rod; however, the flexible tube of Patterson extends from a rigid tube and not between two fishing line guides on the fishing pole. The Examiner has argued that Patterson has captivating devices 10 and 11 that are inherently removable; however, since devices 10 and 11 are described as being solder, the removal of the solder would be by a presumably destructive process. Assuming that the Examiner meant that a heating process would be used to remove devices 10 and 11, the solder would become drops of solder and would not be a device any longer, causing the supposed devices to lose their characteristic as captivating devices. In contrast, Applicants' invention has two captivating devices that are detachable and connected to an end of the elongated tube. As such, the captivating devices retain their nature and do not require a heating process to remove the devices thereby altering them to another form. Therefore, Bahn, Patterson or any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of removably installing two captivating devices, one of the captivating devices at each of two ends of the flexible tubing, as recited in claim 18.

An advantage of Applicants' invention is that the captivating devices are removably attached and can be reutilized to install the fishing line containment system on different fishing rods. Additionally, the higher flexibility of the elongated tube that extends between at least two of the fishing line guides on a conventional fishing pole is more flexible than the flexibility of the fishing pole itself, thereby having relatively little effect on the flexibility of the overall fishing rod and containment apparatus combination. For the foregoing reasons, Applicants submit that claim 18, and claims 19 and 20 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

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Claims 6, 7, 14 and 15 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bahn in view of Patterson and in further view of U.S. Patent No. 5,832,653 (Tsurufuji). However, claims 6 and 7 depend from claim 1, and claims 14 and 15 depend from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 6, 7, 14 and 15 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

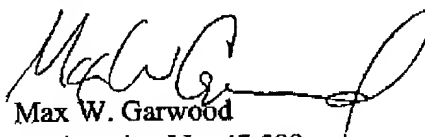
In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

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Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

  
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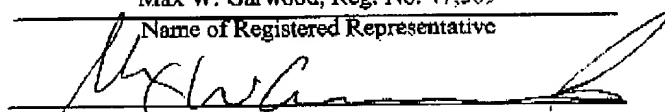
Attorney for Applicant

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Name of Registered Representative

  
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